



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,223	05/30/2001	Doreen Lynn Galli	RSW920010033US1	8092

7590 03/25/2005

Jack Friedman, Esq.
Schmeiser Olsen and Watts
3 Lear Jet Lane
Suite 201
Latham, NY 12110

EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
----------	--------------

2193

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/870,223	Applicant(s) GALLI, DOREEN LYNN	
	Examiner Insun Kang	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-16 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 27 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 10/27/2004.
2. As per applicant's request, claims 1, 8, and 16 have been amended. Claims 1-16 are pending in the application.

Claim Objections

3. The objection to claims 1-8 has been withdrawn due to the amendment to the claims.

Claim Rejections - 35 USC § 112

4. The rejection to claims 8 and 16 has been withdrawn due to the amendment to the claims.

Drawings

5. The drawing filed 10/27/2004 has been acknowledged and the objection to drawings has been withdrawn accordingly.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Art Unit: 2124

Per claim 1:

Osder discloses:

- an application program that provides call flow instructions (i.e. "call flow and programmatic logic of the Network Application," col. 3 lines 5-15; 25-51)
- wherein a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application program (i.e. "The invention isolates the customization of the spoken prompts from the call flow and programmatic logic of the Network Application," col. 27 lines 26-41; "The voice for the elements can be recorded through NAP and stored in the NAP voice file," col. 3 lines 48-61; col. 4 lines 20-25; col. 6 lines 11-31)
- a programmable processor that executes the call flow instructions of the application program (i.e. "Prompt Expansion Processor (PEP) to play an identified prompt in a language identified y a SPIN application ID," abstract)
- a database that contains a plurality of pre-recorded voice prompts (i.e. "storage in records in the VU database to be referenced when playing the prompts," col. 1 lines 60-64; "These prompt definitions are interactively generated by the user utilizing VU and are stored in records in the VU database," col. 2 lines 8-23; "The voice for the elements can be recorded through NAP and stored in the NAP voice file. The NAP Message Ids corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB)," col. 3 lines 48-60; "SPIN relates the entities that it creates in the SPIN data base to a particular SPIN application," col.6 lines 11-31)

- an assignment table that assigns a value to the variable to provide an entry point to the database (i.e. "Dynamic Element Table is enhanced to support the user-defined dynamic element types...permits a Network Application to play a designed prompt...without altering the functional code of the Network Application," col. 4 lines 20-25 and 33-37; "Expand Prompts...consults the appropriate prompt table ...for the prompt mapping in the cache tables," col. 26 lines 8-22; col. 3 lines 48-60; col. 6 lines 11-31) as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Osder discloses:

- the database includes a first voice prompt in a first language and a second voice prompt in a second language, wherein the first language and the second language are different (i.e. "Index Prompt Tables under three different SPIN applications...to support three different languages," col. 6 lines 33-46; lines 61-67; col. 7 lines 4-21; col. 8 lines 35-36) as claimed.

Per claim 9, it is the method version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above. For the limitation "digitally encoded voice prompt, (i.e. Fig 3, Fig 4A; "continued reference to FIG. 4...NAP retrieves the digitized voice corresponding to each message IM from the Voice File," col. 12 lines 1-13).

Per claim 10, it is the method version of claim 2, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 2 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-8 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 3:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt spoken by a first speaker and a second voice prompt spoken by a second speaker, wherein the first speaker and the second speaker are different. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by different speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different purposes.

Per claim 4:

Art Unit: 2124

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt spoken by a male speaker and a second voice prompt spoken by a female speaker. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by male and female speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 5:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt having a first level of formality and a second voice prompt having a second level of formality, wherein the first level of formality and the second level of formality are different. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different level of formality of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 6:

Art Unit: 2124

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a voice prompt that includes music. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include music voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 7:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a voice prompt that includes an audio tone. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include audio tone of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 8:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt and a second voice prompt spoken by the same speaker, wherein the first voice prompt and the second voice prompt convey the same meaning, and wherein the first voice prompt and the second voice prompt differ in wording. However, it would have been obvious for one having ordinary skill in the art of

Art Unit: 2124

computer software development and configuration to include various voice prompts such as including a dialect as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claims 11-16, they are the method versions of claims 3-8, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 3-8 above.

Response to Arguments

10. Applicant's arguments filed 10/27/2004 have been fully considered but they are not persuasive.

Per claim 1:

The Applicant states that Osder does not teach the limitations in claim 1.

In response, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant must discuss the references applied against the claims, specifically explaining how the claims avoid the references or distinguish from the references and to point out disagreements with the examiner's contentions. Instead, the applicant appears to map exact words to words in comparing the limitations in the instant claim 1 and the cited phrases of the Osder reference.

The applicant states that Osder does not teach an application program that provides call flow instructions.

In response to applicant's arguments against the portions of the reference cited, the applicant should consider the reference as a whole, not only the specific portion of the reference cited. The instant invention attempts to reduce the programming effort in tailoring voice prompts by holding database entries outside the call flow instructions. Osder also solves the NA/PEP programming alteration requirement problem (col. 3 lines 25-33) by using the prompt management system comprising a SPIN/PEP so that "Network Application programming changes or modifications to the PEP" won't be necessary (i.e. col. 3 lines 35-46). It is unclear whether the applicant's argument means that Osder does not teach call flow instructions, as it does not appear possible to make the IVR system work appropriately without such instructions to play the prompts. Further, Osder specifically states "the prompts and the elements of the prompts to be played by the Network Application," col. 3 lines 36-51. Therefore, it is clear that Osder discloses an application program that provides call flow instructions.

The applicant states that Osder does not teach a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application.

In response, Osder uses a SPIN program "used through NAP on behalf of a Network Application to create or modify the prompts and the elements of the prompts to be played by the Network Application (col. 3 lines 48-60)." Osder specifically states that

the "SPIN user creates or modifies a Dynamic Element Table containing ordered lists of logically grouped dynamic elements required for the programs of the Network Application (col. 3 lines 54-61)" and "the user can create user-defined dynamic element types for enhanced flexibility...to support the user-defined dynamic element types (col. 4 lines 20-25)." Therefore, in Osder's prompt system, a Network Application "uses SPIN applications to play the voice programs of the Network Application (col. 6 lines 11-31) and it is the SPIN program that "relates the entities that it creates in the SPIN data base to a particular SPIN application (col.6 lines 11-31)" and modifies and creates the prompts and the elements of the programs to be played by the Network Application (col. 3 lines 48-60). A meta-language variable to the Dynamic Element Table is read from outside of the Network Application. Therefore, Osder discloses a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application.

The applicant states that Osder does not teach an "assignment table that assigns a value to the variable to provide an entry point to the database...that contains a plurality of pre-recorded voice prompts."

In response, it is unclear whether the applicant's argument means that there is no database containing voice prompt data in Osder, as it is unclear how such prompt system works without such prompt database (database itself is a file) containing recorded prompts and data that define the prompts in an IVR system. Further, Osder specifically states that the "SPIN user creates or modifies a Dynamic Element Table containing ordered lists of logically grouped dynamic elements required for the

programs of the Network Application (col. 3 lines 54-61),” “the user can create user-defined dynamic element types for enhanced flexibility (col. 4 lines 20-25),” and the “MDDP and Dynamic Element Table ...[are] enhanced to support the user-defined dynamic element types (col. 4 lines 20-25).” Osder’s SPIN Data Base (SPINDB) stores voice elements (“The voice for the elements can be recorded through NAP and stored in the NAP voice file. The NAP Message Ids corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB),” col. 3 lines 48-60). Also, Osder specifically states, “SPIN relates the entities that it creates in the SPIN database to a particular SPIN application (col.6 lines 11-31).” Therefore, Osder discloses an assignment table that assigns a value to the variable to provide an entry point to the database...that contains a plurality of pre-recorded voice prompts.

The applicant argues that the examiner “has improperly combined two references in a rejection under 35 U.S.C. 102(b), the first reference being the VU/PEP and the second reference being Osder’s invention.”

In response to applicant’s arguments against the portions of the reference cited, the applicant should consider the reference as a whole, not only the specific portion of the reference cited. It is noted that there was only one reference cited for this rejection. Osder explains the general technology, terminologies and the problem in existing IVR systems in the background section. Osder defines that prompts are stored in a database and Network application provides call flow and programmatic logic in columns 1-3.

In view of the broadest reasonable interpretation above, Osder discloses the limitations in claim 1. Therefore, the rejection of claim 1 is considered proper and maintained.

Per claim 2:

The applicant states that claim 2 is allowable as being dependent on allowable base claim 1. As shown above, the rejection of the claim 1 by Osder is maintained, the argument that claim 2 is allowable as being dependent on the allowable base claim 1 is considered moot. Accordingly, the rejection of claim 2 is also considered proper and maintained.

Per claim 9:

The applicant argues that Osder does not teach “digitally encoded voice prompt” in Figs. 3 and 4A.

In response to applicant’s arguments against the portions of the reference cited, the applicant should consider the reference as a whole, not only the specific portion of the reference cited. Further, Osder clearly states that with “continued reference to FIG. 4...NAP retrieves the digitized voice corresponding to each message IM from the Voice File (col. 12 lines 1-13).” Therefore, the applicant’s argument that Osder does not disclose “digitally encoded voice prompt” is not persuasive and as shown above, the rejection of claim 1 by Osder was maintained. Accordingly, the rejection of claim 9 is also maintained for the reasons set forth in connection with claim 1.

Per claim 10:

Art Unit: 2124

The applicant states that claim 10 is allowable as being dependent on allowable base claim 9. As shown above, the rejection of the claim 9 by Osder is maintained, the argument that claim 10 is allowable as being dependent on the allowable base claim 9 is considered moot. Accordingly, the rejection of claim 10 is also considered proper and maintained.

Per claims 3-8:

The applicant states that claims 3-8 are allowable as being dependent on allowable base claim 1. As shown above, the rejection of the claim 1 by Osder is maintained, the argument that claims 3-8 are allowable as being dependent on the allowable base claim 1 is considered moot. Accordingly, the rejection of claims 3-8 are also considered proper and maintained.

Per claims 11-16:

The applicant states that claims 11-16 are allowable as being dependent on allowable base claim 9. As shown above, the rejection of the claim 9 by Osder is maintained, the argument that claims 11-16 are allowable as being dependent on the allowable base claim 9 is considered moot. Accordingly, the rejection of claims 11-16 are also considered proper and maintained.

The rejections to claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Price et al. (US Patent 6,718,017) in view of Schemers III et al. (US Pub. 2003/0083882) has been withdrawn.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2124

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. Kang
Examiner
3/16/2005

Kakali Chaki
**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**